



North Carolina Association of REALTORS®, Inc.

December 23, 2004

Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

Attn: Jeff S. Jordan, Supervisory Attorney
Complaints Examination & Legal Administration

RE: MUR 5620

Dear Mr. Jordan:

This letter is in response to your correspondence received earlier this month by the North Carolina Association of REALTORS® ("NCAR"). I am referred to in your correspondence as the "Registered Agent".

The complainant in this matter alleges that he received several flyers that "appear to me to advocate the candidacy of Richard Burr" and were "paid for by the National Association of REALTORS®." He also notes that he is not a member of NAR and asserts his contention that "any reasonable individual would consider the act of producing and distributing this flyer to be a political contribution to Mr. Burr." Enclosed with the complaint are copies of six different printed communications ("flyers") that mention Richard Burr. There are two reasons why this complaint against NCAR is without merit and does not suggest a violation of the Federal Election Campaign Act of 1971, as amended ("Act"), as explained in further detail below. NCAR respectfully requests that the Commission and Commission staff determine that no action be taken against NAR in response to this complaint, and dismiss this matter without further action.

First, and most fundamentally, none of the costs incurred in the production and distribution of these flyers were paid by NCAR. All such costs were paid by the National Association of Realtors® ("NAR") and the Realtors® Political Action Committee ("RPAC"), and indeed the complaint itself appears to concede that those costs were incurred solely by NAR. NCAR was requested by NAR, and did agree, to permit its name to be displayed on certain of those flyers as indicating that the message was "authorized by the North Carolina Association of Realtors®." NCAR did not, however, contribute in any way to the costs of those flyers, nor otherwise incur any expenses in connection therewith.

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Second, the production and distribution of the flyers by NAR and RPAC does not violate the Act. NCAR understands that this MUR has also named NAR as a respondent, and that NAR has responded by explaining why the production and distribution of the flyers does not violate the Act. For the same reasons offered by NAR, NCAR did not and could not have violated the Act by its very limited involvement with the wholly lawful production and distribution of these flyers.

Accordingly, for the foregoing reasons, I respectfully request on behalf of the North Carolina Association of REALTORS® that the Commission and Commission staff determine that no action be taken against NCAR in response to this complaint, and that it be dismissed without further action. I would be happy to discuss with you the information set forth above, or to provide any other information or material which will assist you in reaching this conclusion. Please feel free to contact me at your convenience at 336- 294-1415.

Very truly yours,



Timothy D. Kent, CAE
Executive Vice President

cc: Will Martin, NCAR General Counsel

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